

Memorandum

Community Relations



Date: January 27, 2005

To: Mayor and City Council

From: Jeff Kulaga, Community Relations Manager (x8844)

CC: Marlene Pontrelli, City Attorney (x8120)
Ralph Tranter, Police Chief (x8750)

Subject: Proposed Motorized Scooters Ordinance

Councilmember Barb Carter requests that the City Council discuss a proposed ordinance banning the use of motorized scooters for Council consideration.

Chapter 19, Motor Vehicle and Traffic of the Tempe City Code currently address the use and regulations of motorized scooters. Relevant sections of the code are attached.

Attachment

Tempe City Code:

Chapter 19:

MOTOR VEHICLES AND TRAFFIC

Sec. 19-1. Definitions.

(a) Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, the definitions therein shall be deemed to apply to such words and phrases used herein.

(b) In this chapter, unless the context otherwise requires:

- (6) *Motorized play vehicle* means a coaster, scooter, any other alternatively fueled device or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."
- (7) *Motorized skateboard* means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes, Title 28, as amended, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

Sec. 19-20. Application of traffic laws.

(a) All traffic laws shall apply to persons riding motorized play vehicles and motorized skateboards. Every person operating a motorized play vehicle or motorized skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.

(b) This section shall not be construed to require the licensing or registration of motorized play vehicles or motorized skateboards, or the carrying of insurance covering accidents involving motorized play vehicles or motorized skateboards.

(c) It is unlawful for any person operating a motorized play vehicle or motorized skateboard not to obey the instructions of official traffic-control signals, signs and other traffic direction devices applicable to vehicles, unless otherwise directed by a police officer.

(Ord. No. 98.22, 5-14-98)

Sec. 19-21. Responsibility of parents, guardians and custodians.

No person shall, if a parent, guardian or custodian of a child, authorize or knowingly permit any child to violate this article.
(Ord. No. 98.22, 5-14-98)

Sec. 19-22. Prohibited operation.

No person shall operate a motorized play vehicle or motorized skateboard:

- (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway;
- (2) In any city parking structure or city park, except for use on public roadways within such park;
- (3) On any public property that has been posted or designed by the owner of such property as an area prohibiting "skateboards";
- (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour; or
- (5) On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.

(Ord. No. 98.22, 5-14-98)

Sec. 19-23. General operating restrictions.

(a) No child under the age of fourteen (14) shall operate a motorized play vehicle or motorized skateboard.

(b) No person shall operate a motorized play vehicle or motorized skateboard in excess of the posted speed limit or at a speed greater than is reasonable and prudent under the circumstances then existing.

(c) The operator of a motorized play vehicle or motorized skateboard, approaching a sidewalk, bicycle path, bicycle lane or multi-use path in order to cross such, shall yield the right-of-way to all other users.

(d) Motorized play vehicles and motorized skateboards may be operated on a path or lane that is designated as a bicycle path or lane by state or local authorities. However, motorized play vehicles and motorized skateboard operators on said bicycle path or lane shall yield at all times to other users.

(e) No operator shall allow passengers when the motorized play vehicle or

motorized skateboard is in operation or motion.

(f) No person operating or riding upon a motorized play vehicle or motorized skateboard shall attach themselves in any manner to any other vehicle.

(g) No person shall operate a motorized play vehicle or motorized skateboard while carrying any package, bundle or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

(h) No person, other than the owner, shall operate a motorized play vehicle or motorized skateboard without the written permission of the owner.

(i) No person shall operate a motorized play vehicle or motorized skateboard that has been structurally altered from the original manufacturer's design.

(j) No person shall operate a motorized play vehicle or motorized skateboard in a crosswalk.

(Ord. No. 98.22, 5-14-98)

Sec. 19-24. Operating restrictions on roadway.

(a) A person operating a motorized play vehicle or motorized skateboard on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand curb or edge of the roadway, except under the following conditions and when the movement can be made safely:

(1) If overtaking and passing a bicycle or vehicle proceeding in the same direction;

(2) In preparing for a left turn at an intersection or into a private roadway or driveway;

(3) If reasonably necessary to avoid hazardous conditions ahead in the roadway; or

(4) If the lane in which the person is operating the motorized play vehicle or motorized skateboard is too narrow for a motorized play vehicle or motorized skateboard and a bicycle or another vehicle to travel safely side by side within the lane.

(b) No operator of a motorized play vehicle or motorized skateboard shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.

(c) Persons operating motorized play vehicles or motorized skateboards on the roadway shall not ride more than two (2) abreast.
(Ord. No. 98.22, 5-14-98)

Sec. 19-25. Required safety equipment.

(a) No person shall operate a motorized play vehicle or motorized skateboard without a head lamp emitting a beam and a red rear reflector anytime from sunset to sunrise, or any other time when there is not sufficient light to render clearly discernible, persons or vehicles on the roadway.

(1) A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet;

(2) A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet; and

(3) A rear red lamp visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear red reflector.

(b) No person shall operate a motorized play vehicle or motorized skateboard unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.

(c) Any operator of a motorized play vehicle or motorized skateboard under the age of eighteen (18) years being operated on a roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry.

(d) No person shall operate a motorized skateboard without wearing footwear. The footwear must have a sole and completely cover the feet and toes.
(Ord. No. 98.22, 5-14-98)

Sec. 19-26. Violations.

Violations of any of the sections of this article concerning motorized play vehicles and motorized skateboards are designated as civil traffic violations and shall be prosecuted in the same manner as provided by law for other civil traffic violations.
(Ord. No. 98.22, 5-14-98)